

MORNING APPEAL

THURSDAY, JANUARY 30, 1879

GOVERNOR'S RECEPTION.

Governor and Mrs. Kinkead will receive their friends at the Opera House in this city this evening, January 30th, from 8 to 12 o'clock. Dancing will begin at 9 o'clock. The invitation is general. No special invitations will be issued.

THE VIRGINIA CITY RAILROAD COMMITTEE EARNESTLY AT WORK.

From a report in last evening's *Chronicle* of the meeting on Tuesday night of the Railroad Committee we reproduce the following highly interesting item: The opinion of counsel being desired, there was

A HUNT AFTER LAWYERS.

The Secretary said that he could find Judge Seely in a few minutes. He went out and returned with Mr. Woodburn, as Mr. Seely could not be found. Judge Lewis, of the firm of Lewis & Deal, was also sent for, and came in a few moments afterwards.

Mr. Gillig wished to know, from the legal gentlemen, whether it was possible to reach the Central Pacific Railroad so as to prevent that corporation from carrying Nevada freights over the mountains to California and back again and charging through and return freights.

Messrs. Woodburn and Lewis answered that they would not like to give a decided opinion upon the matter without having first looked over the authorities. Mr. Woodburn said, however, that in the Louisiana carrier case the Supreme Court of the United States had decided that Congress had the right to regulate interstate commerce, but when Congress neglects to act, the respective States have a right to regulate the matter. In this particular case Congress had failed to act, so that the State of Nevada, in his opinion, had the right to act for itself, regarding fares and freights and forbidding discriminations.

Judge Lewis was inclined to think that the so-called Wisconsin Granger law would answer the wants of the people of Nevada. It was a law which had been passed upon by the Supreme Court of the United States, and its validity was therefore beyond question. He had not recently examined the law, however, and there might be some features which would render it unavailable in Nevada, but he did not think there were any.

Mr. Mills asked whether the people could not devise a remedy for discriminations.

Judge Lewis replied that there was already a remedy provided by the common law. A common carrier can not charge one man more than another. The only thing the Legislature would have to do would be to impose a penalty for a violation of the law. As the law now stood if the railroad discriminated against any merchant he could sue the company for damages.

On motion of Mr. Gillig, Messrs. Seely & Woodburn and Lewis & Deal were requested to prepare a written opinion on the subject and present it to the committee next Tuesday evening.

THE CHIEF DIFFICULTY.

Judge Lewis said the only difficulty in the task before them was to determine whether the State had power to protect its citizens against discriminations of the Central Pacific road. The local roads, there was no question of the State's power.

Why—Why would it not be well to have two bills drawn—one to regulate the local roads, and the other to apply to the Central Pacific?

Judge Lewis—It would be a good idea to adopt that course.

It was thereupon agreed that the attorneys should prepare two bills, and submit them to the committee next Tuesday evening.

A WRITTEN OPINION DESIRED.

To avoid the possibility of any misunderstanding, the counsel were requested to furnish the Committee, as early as possible, with a written answer to the following:

"Question—Can the State of Nevada enact a law that will prevent any railroad company whose line passes through and beyond this State from charging, for freight consigned to any point on such road, within this State, a higher rate than is charged by the same company for transporting the same class of freight, from the same shipping point, through and beyond this State?"

"Or, to be more specific—Can the Central Pacific Company be prevented by law of this State from charging any citizen of Nevada for goods shipped from New York, Chicago or any other Eastern city, to any point on its road in this State, a higher rate than is charged for transporting the same class and quantity of goods through the State and across the Sierra Nevada mountains to Sacramento, Cal.?"

CATHOLIC FAIR AND FESTIVAL.

By an advertisement elsewhere appearing it will be seen that the Catholic ladies of Carson are about holding a four days' fair and festival. We wish it unbounded success. See adv.

FINE CHROMOS AND OIL PAINTINGS.

Go and see those fine chromos and oil paintings at the One Dollar Store in the County Building.

NEVADA LEGISLATURE—NINTH SESSION.

Senate Twenty-fourth Day.

Carson City, January 29, 1879.

The Senate convened at 11 o'clock with President in the Chair. Quorum present. Prayer by Rev. G. R. Davis. Minutes of previous day read and approved.

REPORTS OF COMMITTEES.

By Boardman, from Committee on Judiciary, unfavorably on Senate bill No. 22, providing for disposition of lost property by finders.

Also unfavorably on Senate bill No. 21, concerning the estates of deceased persons.

Also, unfavorably on Senate bill No. 35, to amend the act concerning conveyances.

Also, unfavorably on Senate bill 36, concerning crimes and punishments.

Also unfavorably on Senate bill 40, providing for the appointment of Notaries Public.

Also, unfavorably, Senate bill 56, providing for the government of the State Prison.

Also favorably on Senate bill 51, concerning the duties of District Judges in this State.

By Farrell, from Committee on Railroads and Internal Improvements, favorably, with amendments, on Senate bill No. 3, to encourage the construction of a railroad from the C. P. R. R. to Tuscarora in Elko County.

By Meder, from Committee on Enrollment, that several resolutions and bills had been found correctly enrolled and deposited with the Governor.

MESSAGE FROM THE GOVERNOR.

Transmitting the report of the Board of Regents; also declaring his approval of an act in relation to the use of Legislative Halls; also of Senate bills Nos. 32 and 33 in relation to the payment of the State debt with his approval.

Blair moved to refer the report of the Board of Regents to Committee on Printing. So referred.

MOTIONS AND RESOLUTIONS.

By Boardman—Senate memorial and joint resolution, asking our Representatives in Congress to cause the repeal of the Act of Congress donating certain parts of sections 16 and 36 of public land to the State for the benefit of the School Fund, such lands being mineral and saline and of no practical use, and asking in lieu thereof the passage of an act giving one million five hundred thousand acres of the public land of Nevada, to be selected as other grants heretofore made to the State.

Also that the Governor be requested to forward a copy of this memorial to our Senators and Representatives in Congress.

Mr. McConnell moved to amend by asking for two million acres. Adopted.

Referred to Committee on Federal Relations.

By Stewart—Memorializing Congress to donate arid lands to settlers who will construct flowing artesian wells.

Mr. Stewart stated many reasons why the passage of this resolution was of great importance to the people of this State. Considered engrossed and ordered printed.

By Meder—That 500 copies of the report of the Adjutant General of the State of Nevada be ordered printed. Adopted.

By Gibson—That the State Prison Committee be empowered to take testimony and investigate all matters of interest coming under the supervision of said committee. Adopted.

By McConnell—That smoking be allowed until within ten minutes of the convening of the Senate, and that at that time the Sergeant-at-Arms be instructed to shut off smoking and open the windows. Adopted.

By Boardman—That his bill, 57, authorizing the purchase of Hawley's Digest and Sawyer's Report of Circuit Courts be printed. Adopted.

MESSAGES FROM ASSEMBLY.

Announcing their action on several bills and resolutions.

Mr. Cassidy moved that each county delegation select one of their members to form the special committee of 14 to draft a freight and fare bill, and that the names of such members be handed to the President tomorrow at 12 M. Adopted.

Mr. Gibson asked leave of absence for the rest of the day for State Prison Committee. Granted.

RECESS FOR ONE HOUR.

AFTERNOON SESSION.

Met at 1:10 o'clock P. M.

By Shepherd, (out of order) recommending the passage of Cassidy's Senate bill to prevent the adulteration of milk. Filed.

BILLS INTRODUCED.

By Cassidy (without notice)—To enable the Commissioners of Eureka County to liquidate the Railroad Fund indebtedness of said county. Under suspension of the rules the bill was put upon its final passage and passed.

By King (without notice)—To define the duties of pawnbrokers and pledgees. Ordered printed and referred to Committee on Ways and Means.

Melarky's Assembly bill, to provide for compensation of witnesses in criminal cases. Referred to Committee on Ways and Means.

Meder's Senate concurrent resolution, asking for appropriation of money for building United States offices in Carson, returned from the Assembly with amendment, making said appropriation \$150,000 instead of \$50,000. Senate referred to concur in the amendment. Ayes 10, Noes 11.

GENERAL FILE.

Allen's Assembly bill No. 7, regulating sale of poisons, medicines, etc.—Motion to lay on the table. Lost. Indefinitely postponed. Mayhugh's Assembly joint resolution, relative to Indian tribes of northeastern Nevada, asking for reinforcement of Camp Halleck by two companies of cavalry. Passed.

Comins gave notice to reconsider.

King's Senate bill—To amend the jury bill. Ordered engrossed.

Farrell's Senate bill No. 20—To provide revenue for State of Nevada. Laid on table temporarily.

Dayton's Senate bill No. 29—To provide for obtaining correct statements of the financial condition of the several condition of the State. Ordered engrossed.

Cassidy's Senate bill No. 42—For relief of Joe Eldridge. Referred to Committee of the Whole.

Stewart's Senate bill No. 44—To provide for the erection of a monument to the memory E. F. Storey.

On motion of Cassidy, bill was recommitted to Judiciary Committee.

Westerfeld's Senate bill, to create a Board of Tax Commissioners, was indefinitely postponed.

Cassidy's Senate bill No. 48—To authorize the payment of rewards—the stage robber bill. Motion to indefinitely, carried.

Stone's Senate bill No. 43—To authorize the construction of a railroad from the Central Pacific Railroad to Tuscarora, in Elko county, amended by striking out the word "exclusive" before the word "right." Ordered engrossed.

Schultz's Senate bill No. 22—To provide for the disposition of lost property.

Stewart stated that under the provisions of the bill it was almost dangerous for a man to find anything, the expense and trouble of disposing of it would be so great.

Boardman said the bill would prove inoperative, if passed, for various reasons. Indefinitely postponed.

Comins' Senate bill No. 31—Concerning the settlement of estates of deceased persons. Provides for the appointment by the Governor of a commission to draft a bill regulating the settlement of estates of deceased persons. Indefinitely postponed.

Powning's Senate bill No. 35—To amend the Act concerning conveyances. Indefinitely postponed.

Stewart's Senate bill No. 36—To amend an Act concerning crimes and punishments. Indefinitely postponed.

Powning's Senate bill No. 40—To amend the Notary Public Act, requiring the recordation by the Notary of his commission, as evidence of his holding office, and to prevent unofficial acts after expiration of office. Indefinitely postponed.

Stewart's Senate bill No. 50—Concerning the duties of District Judges, making it incumbent upon Judges to instruct Grand Jurors as the duties of peace, military and civil officers. Ordered engrossed.

Westerfeld's Senate bill No. 56—To provide for the government of the State Prison, was refused engrossment.

Cassidy's Senate bill No. 143—To prevent the sale of impure milk. Ordered engrossed.

Adjourned at 4:10 P. M.

Assembly—Twenty-fourth Day.

Speaker pro tem. Allen called the Assembly to order at 11 A. M. Prayer by Rev. M. T. Weir.

Leave of absence granted for one day to Messrs. Lyon of Storey, Speaker Gaston (ill with sore throat and cold) and Irvine of Douglas for one week.

By consent, Fisk had it recorded on the journal that he desired to change his vote from the affirmative to the negative on the final passage of Assembly bill 22, providing for the compensation of witnesses in criminal cases.

REPORTS OF COMMITTEES.

Harlow, from Committee on Engrossment, reported several bills as correctly engrossed.

Piummer, from Committee on Ways and Means, reported favorably on the deficiency bill for the 13th and 14th fiscal year; also favorably on Assembly bill 42, for relief of James Holland.

Hanna, from Committee on Internal Improvements, reported favorably with amendments Assembly bill amending the Act for the preservation and cultivation of fish.

MOTIONS AND RESOLUTIONS.

By Fisk—To transfer the remonstrances against the repeal of the Drummer License Act from the Committee on Judiciary to the Committee on Ways and Means. Adopted.

By Mayhugh—Inviting H. S. Mason to lecture on the subject of Fares and Freight, a matter that he had devoted considerable attention to. Adopted.

By Lane—Authorizing the Sergeant-at-Arms to have printed letter heads so that members might purchase them of him. Lost.

By Davies—To refer all bills pending in Assembly in relation to fares and freights on railroads to the joint committee of one representatives from each county in the two houses.

Mayhugh moved to lay it on the table. Fisk moved that the motion be indefinitely postponed. Motion ruled out of order and Mayhugh's motion prevailed.

SECOND READING OF BILLS.

Dayton's Senate bill, amending section 50 of the Revenue Law authorizing the levy

upon personal property to secure the payment of poll-tax. Referred to Judiciary Committee.

BILLS INTRODUCED.

Harlow—To establish State Printing Office and create the office of State Superintendent of Printing. Referred to Committee on State Printing.

Melarky—To preventing the exhuming and transportation of dead bodies. (Intended to apply to the heathen Chinese transportation of their dead to the Celestial regions.) Referred to Committee on Public Morals.

Davies—To provide a residence for the Governor of the State. (Appropriating \$20,000 for the purpose of erecting the building and \$10,000 for purchasing of grounds and furnishing of building.) Referred to Committee on State Institutions.

Blair's Senate bill, amending the Civil Practice Act so as to exempt from execution two cows of an owner. Referred to Judiciary Committee.

Howe—To create a Board of State School Examiners. [Authorizing the State Superintendent of Instruction to appoint two persons, who, with himself, shall constitute such board, with power to determine the text books to be used.] Referred to Committee on Education.

Howe—To amend the General School Act. [The provisions of the Act are those agreed upon by the last State Teachers' Institute.] Referred to Committee on Education.

Creswell's Senate bill 20—To create State Board of Equalization. Referred to Committee of the Whole.

Paton—To amend sections 3, 4, 5, and 22 of the State Prison Act. [Amends section 4 of the Act of 1877 so as to provide for the election of a Deputy Warden at the same time the Warden is elected by the Legislature in joint convention.] Referred to Committee on State Prison.

GENERAL FILE.

Senate bill to disincorporate the town of Eureka, passed.

At 12 M. recess for one hour.

AFTERNOON SESSION.

Convened at 1 P. M. Speaker pro tem. Allen presiding.

Leave of absence was granted the State Prison Committee on committee business. Also to Mr. Foulks.

SPECIAL ORDER.

Lyons' (of Storey) Assembly bill, to amend the Civil Practice Act allowing the State to take appeals in certain cases without giving bonds. Passed.

Taylor's Assembly bill, to amend the Civil Practice Act, exempting printing offices from levy and execution to the amount of \$2,500. Lost; yeas 19, noes 19.

Fisk gave notice to reconsider the vote taken.

Wilson's Assembly bill, to amend the Revenue Act, providing for the sale of property for taxes to the purchaser who bids the least. Passed; yeas 30, noes 6.

Paton's Assembly bill, to pay James Holland his expenses in the matter of the murders at the Indian Reservation in Lincoln County. In Committee of the Whole the foregoing bill was considered, the standing committee having reported an amendment reducing the amount from \$1,709 to \$740.

Hager moved that when the committee rise it recommend the rejection of the bill. Agreed to; yeas 18, noes 16.

Gibson's Senate bill, to pay C. C. Stevenson \$120 for services as President pro tem. of the Senate in 1875. Its passage was not recommended.

Creswell's Senate bill, to create a Board of State Examiners. A motion to increase the limit of expenses from \$5,000 to \$10,000 was lost. Committee reported progress and asked leave to sit again.

Assembly bill—For the relief of B. F. Wallace, paying him \$120 for some poll taxes lost by him while deputy assessor of Storey County. Indefinitely postponed.

Assembly bill—For relief of Jerry Schooling, appropriating \$90 to cover his loss on counterfeit money taken by him. Passage recommended.

Piummer's Assembly bill—Providing for State deficiencies. Passage recommended.

Assembly bill—Providing for the purchase of home for State Orphans Home. Passage recommended.

GOVERNOR'S LEVEE.

This evening, for the first time in ten years, the incumbent of the Executive office will invite his fellow citizens to a public reception. We are glad that Governor and Mrs. Kinkead have thought it best thus to offer an opportunity to the resident and visiting public to pay them their respects and enjoy the pleasant meetings and greetings of such an occasion. As has been heretofore announced, this levee will take place at the Opera House, where all the accessories for a social reunion of this character are at hand and readily accessible. Everybody is expected to be present without further invitation or ceremony.

SHAGBARKS.—"Pant" seems to have room enough and time enough and taste enough to appreciate pretty much everything. Among other things that he understands and takes into account is shagbarks. He sent back to America the other day and got a lot of those best of nuts, and, like himself, he is sharing them with his friends. At all events he has shared 'em with the MORNING APPEAL, and we never will forget him. Take a little salt—but, phaw! everybody knows how to eat hickory nuts. Thanks, Pant.

San Francisco Stock Exchange Sales

MORNING BOARD.

Opium 34 3/4
Mexican 37 3/4
Gold & Curry 13 1/4 13 1/4
Best & Belcher 2 1/4
California 2 1/4 2 1/4
Consolidated Virginia 8 1/4
Chollar Potom 46 1/4
Hale & Norcross 17 1/4 17
Crown Point 3 1/4
Yellow Jacket 19 1/4
Savage 13 1/4 13 1/4
Alpha 15 1/4
Belcher 5 1/4
Confidence 16 1/4
Imperial 1 1/4
Sierra Nevada 47 1/4
Utah 18 1/4
Bullion 3 7/8
Exchange 6 1/4
Seg. Belcher 23
Overman 10 1/4 10 1/4
Justice 6
Success 1
Union Consolidated 60 3/4
Alta 7 1/4
Lady Bryan 6 1/4
Julia 3 1/4
Caledonia 2 80
Phil Sheridan 30 1/4
Challenge 3
Silver Hill 1 1/4
Sutro 20 1/4
New York Con. 70 1/4
Woodville 23 1/4
Leviathan 6 1/4
Andes 20 1/4
North Con. Virginia 6 1/4 7
Lady Washington 1 1/4
Benton 6 1/4
Flowers 10 1/4
Con. Washoe 1 1/4
Solid Silver 20 1/4
N. Bonanza 17 1/2
Ward 7 1/4
W. Fargo 10 1/4
Scorpion 1 1/4
Raffinore 1 1/4
Kossuth 30 1/4
M. Star 3 1/4
St. Louis 35 1/4
Douglas 30 1/4

EVENING BOARD.

Raymond & Ely 7
Eureka Con. 27 1/4
Jackson 7 1/4
Northern Belle 6 1/4
Highbridge 1 1/4
B. Isle 20 1/4
Grand Prize 4 3/4
Belmont 7 1/4
Manhattan 4 50
Argenta 70 1/4
Momo 1 50
Bodie 7 1/4 7 1/4
Navajo 35 1/4
Bulwer 14 1/4
Paradise 2 50
M. White 3
McClinton 35 1/4
Star 60 1/4
Summit 2
Endowment 25 1/4
Independence 1 1/4
Hussey 20 1/4
Hillside 1 45 1/2
Pacific 1 1/4
Becked 7 1/4
Dudley 1 1/4
Terra 1 40
Oriental 20 1/4
Black Hawk 7 1/4
Leeds 1
University 1
Booker 20 1/4
Goshute 30 1/4
G. Terrace 5 1/4

SHERIFFS AND SHERIFFS.—We fell into a regular nest of Sheriffs yesterday. There was Ben Fitch, from Elko. Just why Ben is here he did not rise to explain. There was Sheriff Williamson, of Storey County. He had brought Malin down from Virginia and delivered him to the Warden of the State Prison. There, also, was Sheriff McKee, of Lincoln. He fetched in to the State Prison a man named Frazer convicted of manslaughter and sentenced to the Penitentiary for seven and a half years. We learn from Sheriff McKee that McManus, Sloan and Newman—three out of four of the Maopi murderers—have been killed. Dean, the fourth man, is said to be living on a ranch near Los Angeles. So that these worthies are pretty much disposed of.

TWILIGHT SOCIAL.—We acknowledge with thanks a complimentary card of invitation to be present at the social party to be given tomorrow night at the Opera House by the Twilight Club.

PERSONAL.—Among the arrivals in the city yesterday were Mr. William Skyrme, Assessor of Storey County, and Miles Finlen, one of the live men of Virginia City.

ALWAYS AHEAD.

Instead of waiting for the turn of the season before getting new goods, we take pleasure in informing our patrons that we have just received a Complete New Stock of Dress Goods and exquisite Fancy Goods which we offer at such remarkably low prices that they would induce the most stingy father and husband to give down for his bottom dollar.

We have received a consignment of One Hundred Clocks with positive instructions to close them out at any price, and we will do it. MRS. J. SHELVER & CO.

Carson, January 28, 1879. d39

ANOTHER WONDERFUL CURE

EFFECTED BY

CALIFORNIA ELASTIC TRUSS!

CALIFORNIA ELASTIC TRUSS COMPANY. W. J. HORNE, President. Dear Sir, I feel that I owe it to you and to humanity to write the fact that I have been SUSTAINEDLY CURED of a bad case of Rupture of thirty years' standing, by one of your incompressible Trusses, which I purchased from you three months ago. I cannot describe the suffering, both physically and mentally, that I have undergone during that period; and now I feel like a new being. I have worn all kinds of Trusses, both Steel and Elastic, and never received any permanent relief until I tried yours. Its simplicity of construction, and facility with which it can be adjusted, and the ease and perfect freedom to the motions of the body with which it can be worn without causing any irritation, are its chief merits, and it is a perfect support. I have not had any sign of a return of the rupture since the first day I put it on, and feel that I am perfectly CURED. It is invaluable, and the fact should be known to the world. You can refer any one to me on the subject of their rupture. I am, truly yours, ALFRED J. BURKE, Chief Mail Clerk U. S. F. Daily Evening Post, San Francisco, July 29, 1878.

A Physician's 45 Years' Experience.

COLUMBIA, Tennessee Co., July 16, 1878. W. J. HORNE, Esq.—Dear Sir: For some time past I have been in my practice the California Elastic Truss, with entire satisfaction in most cases of complicated hernia of both sexes. During a practice of forty-five years I have found no truss that would, with the same ease and certainty, retain the required adjustment, the pressure being always under the immediate control of the patient. The simplicity and ease of application is of itself a guarantee to every experienced physician. I have the honor to submit to you the amount due, knowing that I contribute to the alleviation of afflicted humanity. Yours, truly, J. P. THIBOUT, M. D.

Send for Illustrated Catalogue and Price List containing Full Information and Rules for Measuring.

N. B.—The California Elastic Truss is not for sale by any Druggist in Carson City. They prefer to sell inferior truss, on which they can make a large profit. Send direct to the CALIFORNIA ELASTIC TRUSS COMPANY, 125 Market Street, San Francisco.